



## WISCONSIN LEGISLATIVE COUNCIL

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### JOINT LEGISLATIVE COUNCIL MINUTES

Room 412 East, State Capitol  
Madison, Wisconsin

February 19, 2003  
8:40 a.m. - 11:15 a.m.

[The following is a summary of the February 19, 2003 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2002studies.htm>.]

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#### Call to Order and Roll Call

Co-Chair Wieckert called the meeting to order and gave a brief report on the status of the Joint Legislative Council study committee work and membership change within the Council. He mentioned that both he and Co-Chair Lasee are new to the Council, but there are also an additional 11 new members. Those members are Senators Decker, Ellis, Erpenbach, Harsdorf, and Lazich; and Representatives Coggs, Kaufert, Kreuser, Schneider, Townsend, and Travis.

He explained that the previous Joint Legislative Council established 10 Special Committees in addition to State-Tribal Relations. Four of these committees are reporting at this meeting.

Co-Chair Wieckert also mentioned that it is customary to consider reintroduction of some bills that were approved by the previous Council, but due to the lateness of their introduction, they did not receive complete legislative consideration. Typically, he said, this is done by a one "blanket" motion.

Next, Co-Chair Wieckert pointed out that each Special Committee has its own web page at the Legislative Council web site. All documents and hearing recordings are available there. He noted that public testimony would not be received today and reminded the members that all bills recommended today will enter into the standard legislative process so there is ample time for testimony during the standing committee hearings.

Last, Co-Chair Wieckert explained certain Council rules:

- Members must be physically present to vote. If you are not here when the vote is taken, your vote cannot be recorded. (He stated, however, that for today's meeting, because members had to be in and out, that the roll would be held open until adjournment of the meeting.)
- Twelve affirmative votes are required, by statute, for a recommendation to be introduced to the Legislature.
- If amendments are to be offered, they must be in writing.

After making his remarks, Co-Chair Wieckert asked that the roll be taken. A quorum was noted present.

COMMITTEE MEMBERS  
PRESENT:

Rep. Steve Wieckert and Sen. Alan Lasee, Co-Chairs; Reps. Spencer Coggs, Steven Foti, Stephen Freese, John Gard, Dean Kaufert, Jim Kreuser, Michael Lehman, Marlin Schneider, John Townsend, and David Travis; and Sens. Alberta Darling, Jon Erpenbach, Sheila Harsdorf, Mary Lazich, Mary Panzer, and Robert Welch.

COMMITTEE MEMBERS  
EXCUSED:

Sens. Russell Decker, Michael Ellis, Gary George, and Fred Risser.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; John Stolzenberg, Chief of Research Services; Robert Conlin, Mark Patronskey, Anne Sappenfield, Pam Shannon, Ronald Sklansky, Richard Sweet, and Russ Whitesel, Senior Staff Attorneys; Rachel Letzing and Mary Offerdahl, Staff Attorney; David Lovell, Senior Analyst; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES:

Sen. Judy Robson, Co-Chair, Special Committee on Public Health System's Response to Terrorism and Public Health Emergencies; Sen. Robert Jauch and Rep. Donald Friske, Co-Chairs, Special Committee on Improving Wisconsin's Fiscal Management; Rep. Phil Montgomery, Co-Chair, Special Committee on Public and Private Broadband; and Sen. Jon Erpenbach and Rep. Mark Gundrum, Co-Chairs, Special Committee on Review of the Open Records Law.

**Approval of the Minutes of the Committee's  
April 24, 2002 Meeting**

*It was moved by Rep. Freese, seconded by Rep. Foti, that the minutes of the April 24, 2002 meeting be approved. The motion was adopted by unanimous consent.*

## **Consideration of 2002 Study Committee Reports:**

### **Report of the Special Committee on the Public Health System's Response to Terrorism and Public Health Emergencies**

Senator Judy Robson, Co-Chair, reported on the activities of the committee and described WLC: 0103/1, the committee's recommended draft. After several questions from Council members on the 10-year public health plan, the 17-member Public Health Council, the Incident Command System, protection of the state's water system, quarantine issues, broadcasting emergency messages, and training, Co-Chair Wieckert asked for a motion on the draft.

*Rep. Schneider moved, seconded by Sen. Harsdorf, that WLC: 0103/1, relating to creating a public health council, reimbursement for quarantine costs, intrastate mutual aid, requiring use of the incident command system in emergency response, exemption from liability during a state of emergency, threats to release or disseminate harmful chemical, biological, or radioactive substances, providing a penalty, and making appropriations, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 15 (Reps. Wieckert, Coggs, Foti, Freese, Kreuser, Lehman, Schneider, Townsend, and Travis; Sens. Lasee, Darling, Erpenbach, Harsdorf, Panzer, and Welch); Noes, 3 (Reps. Gard and Kaufert; and Sen. Lazich); and Absent, 4 (Sens. Decker, Ellis, George, and Risser).*

### **Report of the Special Committee on Improving Wisconsin's Fiscal Management**

Representative Donald Friske and Senator Robert Jauch, Co-Chairs, reported on the activities of the committee and described in detail the six drafts recommended to the Joint Legislative Council.

During the Council's discussion of the committee's recommendations relating to policy in the budget, Representative Lehman noted that it is difficult to legislate self-control for legislators. Representative Freese asked what was meant by "minimal state fiscal effect" on page 2, line 4 in LRB-1493/2. He expressed concern, based upon his experience as a presiding officer, that the vagueness in this phrase could lead to hundreds of points of order on the germaneness of provisions in a budget bill and enable one legislator to tie up the entire body's deliberations. Representative Schneider noted that this phrase could easily be defined as some minimal dollar amount, such as \$100,000. Senator Jauch stated that the rules proposed by the committee provide some flexibility and that their consistent application would protect all members. He also noted that the rules are intended to set standards for legislators' behavior for the good of the Legislature as an institution.

In response to a question on why the proposed Joint Rule 51m on page 3, lines 4 to 14 in LRB-1492/1 uses the Legislative Reference Bureau (LRB) rather than the Legislative Fiscal Bureau to identify policy items in the Governor's drafting requests for an executive budget bill, Senator Jauch stated that it was primarily due to concerns over maintaining the confidentiality of drafting requests at this stage in the process.

Relating to the Governor's partial veto authority, LRB-1849/1, Senator Welch noted, and Legislative Council staff confirmed, that this proposal would have the effect of making explicit in the Wisconsin Constitution the current State of Wisconsin case law interpreting the Governor's partial veto authority as allowing the Governor to decrease an appropriation, but not increase it.

After further discussion on the committee's proposals, Senator Welch asked that the question on these recommendations be divided into three parts.

Hearing no objection:

*Sen. Welch moved, seconded by Co-Chair Lasee, that LRB-1490/2, relating to deadlines for the transmittal of the Building Commission's long-range state building program recommendations and the delivery of the Governor's biennial budget message and a report on the timeliness of the submittal of agency budget requests, and WLC: 0077/2, relating to the budget stabilization fund, the generally accepted accounting principles deficit reduction fund, the general fund deficit based on generally accepted accounting principles, and making appropriations, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Reps. Wieckert, Coggs, Foti, Freese, Gard, Kaufert, Kreuser, Lehman, Schneider, Townsend, and Travis; and Sens. Lasee, Darling, Erpenbach, Harsdorf, Lazich, and Welch); Noes, 0; and Absent, 5 (Sens. Decker, Ellis, George, Panzer, and Risser).*

*Sen. Welch moved, seconded by Co-Chair Lasee, that LRB-1492/1, relating to identification and removal of specified types of policy from an executive budget bill, LRB-1493/2, relating to limitations on Assembly consideration of specified Assembly amendments and Assembly substitute amendments to an executive budget bill, and LRB-1494/2, relating to limitations on Senate consideration of specified Senate amendments and Senate substitute amendments to an executive budget bill, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 14 (Reps. Wieckert, Coggs, Foti, Gard, Kaufert, Kreuser, Lehman, Schneider, Townsend, and Travis; and Sens. Darling, Erpenbach, Harsdorf, and Lazich); Noes, 3 (Rep. Freese; and Sens. Lasee and Welch); and Absent, 5 (Sens. Decker, Ellis, George, Panzer, and Risser).*

*Sen. Welch moved, seconded by Co-Chair Lasee, that LRB-1849/1, relating to the veto procedure for appropriation bills (first consideration), be introduced by the Joint Legislative Council. The motion failed on a roll call vote as follows: Ayes, 11 (Reps. Wieckert, Freese, Gard, Schneider, Townsend, and Travis; and Sens. Lasee, Erpenbach, Harsdorf, Lazich, and Welch); Noes, 6 (Reps. Coggs, Foti, Kaufert, Kreuser, and Lehman; and Sen. Darling); and Absent, 5 (Sens. Decker, Ellis, George, Panzer, and Risser).*

### **Report of the Special Committee on Review of the Open Records Law**

Senator Jon Erpenbach and Representative Mark Gundrum reported on the activities of the Special Committee and discussed WLC: 0040/3, relating to access to public records.

After a brief discussion:

*Sen. Erpenbach moved, seconded by Rep. Travis, that WLC: 0040/3, relating to access to public records, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 14 (Reps. Wieckert, Foti, Freese, Gard, Kaufert, Lehman, Townsend, and Travis; Sens. Lasee, Darling, Erpenbach, Harsdorf, Lazich, and Welch); Noes, 3 (Reps. Coggs, Kreuser, and Schneider); and Absent, 5 (Sens. Decker, Ellis, George, Panzer, and Risser).*

### **Report of the Special Committee on Public and Private Broadband**

Representative Phil Montgomery, Co-Chair, began by thanking the Co-Chairs of the Joint Legislative Council for taking up the report of the Special Committee on Public and Private Broadband, which he co-chaired with Senator Richard Grobschmidt. He explained that “broadband” refers to the high-speed transmission of data, including video images and sound and discussed the importance to policymakers of knowing where broadband service is available. He compared the data transmission network to the highway system, but noted that there is no map of that network analogous to the state highway map. He reviewed the activities of the committee and described LRB-1652/1, relating to directing the Department of Electronic Government to develop a database and web site on broadband transmission service availability, public access to certain records created for this purpose, and granting rule-making authority.

After a brief discussion:

*Rep. Schneider moved, seconded by Rep. Freese, that LRB-1652/1, relating to directing the Department of Electronic Government to develop a database and web site on broadband transmission service availability, public access to certain records created for this purpose, and granting rule-making authority, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Reps. Wieckert, Coggs, Foti, Freese, Gard, Kaufert, Kreuser, Lehman, Schneider, Townsend, and Travis; Sens. Lasee, Darling, Erpenbach, Harsdorf, Lazich, and Welch); Noes, 0; and Absent, 5 (Sens. Decker, Ellis, George, Panzer, and Risser).*

### **Consideration of 2001 Joint Legislative Council Bills for Reintroduction**

Co-Chair Wieckert stated that typically the Joint Legislative Council considers reintroduction of the nine bills introduced in the 2001 Session which were not enacted. Along with these, WLC: 0243/1,

relating to the navigable waters recodification, is also being brought before the Council for reintroduction because the LRB did not have sufficient time to complete the draft for introduction into the Legislature. He noted that these proposals were identified and copies provided in a January 29, 2003 memorandum distributed to the members of the Council. They are:

- *Assembly Bills 667, 668, 669 and 670, Recodification of Operating While Intoxicated and Safety Laws*
- *Assembly Bill 672, Use of Prescription Drugs for Children*
- *Assembly Bill 781, Condominium Law Review*
- *Senate Bill 126, Guardians Ad Litem in Actions Affecting the Family*
- *Senate Bills 231 and 289, Developmental Disabilities*
- *WLC: 0243/1, Navigable Waters Recodification*

Co-Chair Wieckert also asked that this bills be voted *en masse*.

*Rep. Freese moved, seconded by Rep. Lehman, that the nine bills and one WLC draft proposed for reintroduction be reintroduced, en masse.*

*Rep. Travis moved, seconded by Rep. Coggs, that Assembly Bill 670, relating to intoxicated operation of a motor vehicle and providing a penalty, be removed from this package and voted on separately.*

*Sen. Welch moved that WLC: 0243/1, navigable waters recodification, be removed.*

Several Council members questioned what reintroductions of bills being brought before the Council meant. Co-Chair Wieckert explained that these were bills that were approved by the last Council and introduced in the previous session but did not have an opportunity for adequate legislative consideration. At the first meeting of the next session in which the Joint Legislative Council begins receiving Special Committee reports, the Council is asked to consider these bills for reintroduction in the current session. In all cases, the chair or co-chairs of the study committee recommending these measures has been consulted, and they uniformly support reintroduction by the Council. After several Council members expressed the desire to have more time spent on reviewing these reintroductions:

*Rep. Freese moved, seconded by Sen. Erpenbach, to defer action on these reintroductions until the next meeting of the Council. The motion was approved by unanimous voice vote.*

### **Other Business**

The Council engaged in a discussion on what voting for a draft or drafts for introduction into the Legislature really meant. A few members were concerned that if they voted to introduce the legislation that this meant that they approve this legislation throughout the legislative process. Mr. Anderson explained that a vote to introduce merely means that they are giving approval for this legislation to move

on to the next level which is going before the Legislature as a Joint Legislative Council bill. These bills will then follow the traditional process in the Legislature and public hearings will be held on these bills in their assigned standing committees. The approval at this stage is for introduction of the various bills in recognition of the extensive work done by the Special Committees.

Co-Chair Wieckert reminded the Council members that the next meeting of the Joint Legislative Council will be held on *Wednesday, March 12, 2003, at 8:30 a.m., in Room 412 East, State Capitol.*

### **Adjournment**

The meeting was adjourned at 11:15 a.m.

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